

**REMARKS**

Applicant thanks Examiner Hammond for participating in a telephone interview on August 11, 2010, during which the numbering of the claims and the amendments presented above were discussed. The claims previously 3numbered 45-64 inadvertently included three instances of claim "45", which the Examiner corrected in the Examiner's Amendment accompanying the Notice of Allowance dated August 10, 2010. That is, previous claims 45-64 (including the latter two instances of claim 45) were renumbered as claims 46-66. During the interview it was agreed that Applicant would further amend dependent claims 51, 53, 55, 57, and 66 so as to account for the renumbered claims. There are no changes to the claim scope. No new matter has been added, and no new issues have been raised.

The Applicant hereby authorizes the payment of the \$104.00 fee for an additional two claims to be charged to Deposit Account No.: 50-2040 for Customer No.: 30,328. No other fees are believed due in conjunction with this amendment, however, in the event that there are any fees to be charged or payments to be credited, the Applicant hereby requests that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328.

Respectfully submitted,  
NUVASIVE, INC.

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